

## SOLANO COUNTY BIOSOLIDS PROGRAM

### **HISTORY**

- Easterly Wastewater Treatment Plant for the City of Vacaville began land application of biosolids in Solano County in 1989 under strict Waste Discharge Requirements issued by the Central Valley Regional Water Quality Control Board
- Adoption of regulations in Title 40, Code of Federal Regulations, Part 503 by the Environmental Protection Agency in 1993 recognizing the beneficial reuse of sewage sludge
- Land Use Permit Application submitted by Wheelabrator-Bio Gro in 1994 for land application of biosolids as part of a beneficial reuse project in Solano County
- After lengthy review by Solano County Department of Environmental Management staff and managers, and concurrence by Solano County Counsel, biosolids were deemed a fertilizing material, thus not subject to land use permits' (see attached letter)
- Wheelabrator-Bio Gro began land application of biosolids in Solano County in 1995 under regulations contained in Central Valley Regional Water Quality Control Board General Order No. 95-140
- San Francisco Bay Regional Water Quality Control Board determined that beneficial reuse of sewage sludge/biosolids, if conducted in accordance with federal regulations, was not subject to Waste Discharge Requirements

### **CURRENT COUNTY ORDINANCE**

- Adopted by Solano County Board of Supervisors on January 7, 1997, as a result of complaints by neighbors of application sites and after months of meetings by a county task force to determine local regulatory needs
- Relies on State Water Boards to permit and USEPA to enforce federal regulations
- Tracks sites and application information
- Requires applicators to provide detailed information about the sites and the material being applied to the land
- Allows the county to check for compliance with applicable state and federal requirements; prohibits applications which are not in compliance
- Allows for county inspections of sites and operations and collection of samples for analysis by a laboratory contracted by the county
- Addresses nuisance issues and complaints

### **COUNTY RECOMMENDATION FOR REGULATION BY CIWMB**

- This department is opposed to regulating biosolids as a waste. The entire Solano County program is based on the definition of biosolids as an agricultural product used as a soil amendment/fertilizing material.
- This department would be inclined to support regulations promulgated by the Department of Food and Agriculture describing use of biosolids as a soil amendment and/or fertilizing material.

ORDINANCE NO. 1536

AN ORDINANCE AMENDING THE TITLE OF CHAPTER 25 TO CHEMICAL TOILETS, SEWAGE PUMPING TRUCKS AND DOMESTIC SEPTAGE AND BIOSOLIDS DISPOSAL TO LAND AND AMENDING ARTICLE IV TO INCLUDE REGULATION OF BIOSOLIDS DISPOSAL TO LAND.

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The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I

The title of Chapter 25 of the Solano County Code, entitled "Chemical Toilets, Sewage Pumping Trucks, Domestic Septage Land Application, and Biosolids Land Application," and Article IV of Chapter 25 are hereby amended to read as follows:

CHAPTER 25

Chemical Toilets, Sewage Pumping Trucks,  
Domestic Septage Land Application,  
and Biosolids Land Application

ARTICLE I. IN GENERAL

- S 25-100. Purpose
- S 25-101. Applicability
- S 25-102. Definitions

ARTICLE II. CHEMICAL TOILET

- S 25-200. Chemical Toilets

ARTICLE III. SEPTIC TANK, CHEMICAL TOILET,  
AND GREASE TRAP PUMPING TRUCKS

- S 25-300. Septic Tank, Chemical Toilet, and Grease Trap Pumping Trucks

ARTICLE IV. DOMESTIC SEPTAGE LAND  
APPLICATION AND BIOSOLIDS LAND APPLICATION

- S 25-400. Prohibitions
- S 25-401. Requirements for Land Application of Domestic Septage
- S 25-402. Requirements for Land Application of Biosolids
- S 25-403. Requirement for Bonds
- S 25-404. Right of Entry

ARTICLE V. PERMIT FEES

- S 25-500. Generally

ARTICLE VI. ABATEMENT

- S 25-600. Enforcement
- S 25-601. Appeals
- S 25-602. Penalties



## ARTICLE I. IN GENERAL

### Sec. 25-100. Purposes.

The declared purpose of this chapter is to provide for the regulation of chemical toilets; septic tank, chemical toilet, and grease trap pumping trucks; and domestic septage and biosolids disposal as well as providing for the issuance, suspension, and revocation of permits therefor in the county.

### Sec. 25-101. Applicability

This chapter shall apply to all unincorporated territory within the county.

### Sec. 25-102. Definitions

Whenever the following terms are used in this Article, they shall have the meanings respectively ascribed to them in this section.

Administrative Authority is Director of the Department of Environmental Management or the Director's designee.

Agricultural Land is land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

Agronomic Rate is the whole domestic septage or biosolids application rate (dry weight basis) designed:

(1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and

(2) To minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the lands to the ground water.

Application is a distribution of domestic septage or biosolids to a site, as described in the Pre-application Report for biosolids or the permit for septage, at a rate, determined prior to landspreading, not to exceed either the agronomic rate or the annual pollutant loading rate, based on the intended use of the field. An application shall be limited to once per crop and shall be considered complete when biosolids or septage has been applied at the agronomic rate to each field listed in the Pre-application Report or the permit.

Applicator is any person, company organization, or other legal entity engaged, or about to become engaged in the placement of domestic septage or biosolids on land at a controlled rate for the purpose of enhancing the growth of plants in accordance with the provisions of this chapter. The applicator shall be the same entity which the Regional Water Quality Control Board identifies as the discharger and may include land owner, operator, or lessee.

Annual Pollutant Loading Rate is the maximum amount of pollutant that can be applied to a unit area of land during a 365 day period.

Biosolids (a.k.a., sewage sludge) are the solid, semi-solid, or liquid residues generated during the treatment of domestic sewage and industrial wastewater in a wastewater treatment plant or



publicly owned treatment works. Includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes, and material derived from sewage sludge.

Chemical Toilet is a portable toilet facility which contains a chemical material and a tank to receive human wastes pending removal by a chemical toilet pumping vehicle.

Class A Biosolids are biosolids which meet the pathogen requirements in section 503.32(a) of Title 40, Code of Federal Regulations, or revisions thereof.

Class B Biosolids are biosolids which meet the pathogen requirements in section 503.32(b) of Title 40, Code of Federal Regulations, or revisions thereof.

Cumulative Pollutant Loading Rate is the maximum amount of an inorganic pollutant that can be applied to an area of land.

Domestic Septage is liquid or solid material removed from septic tanks and cesspools. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

Domestic Sewage is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

Field means a discrete, discernable, and identifiable individual piece of land used for crop production, designated or under consideration for domestic septage or biosolids use.

Industrial Wastewater is wastewater generated in a commercial or industrial process.

Land Application or Landspreading is the placement of domestic septage on agricultural land or biosolids on agricultural land or reclamation sites intended to support vegetative growth.

Operator is any person or group of persons who control or are responsible for the maintenance of a parcel of land, including but not limited to the owner, farmer, lessee, etc.

Parcel means a discrete piece of land identifiable by an individual number (Assessor's Parcel Number or APN) assigned by the Assessor of the County of Solano.

Person is any person, firm, business, city, county, district, special district, including a water district, sole proprietorship, partnership, joint venture, trust, association, or corporation whether for profit or non-profit.

Pollutant is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of United States Environmental Protection Agency, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction),



or physical deformations in either organisms or offspring of the organisms.

Pollutant Limit is a numerical value that describes the amount of a pollutant allowed per unit amount of biosolids (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); or the volume of a material that can be applied to a unit area of land (e.g., gallons per acre).

Site is one or more parcels or fields of land with a single or multiple owners or operators, as described in a Project Description, Site Specific Information Report, Report Of Waste Discharge, or other documents submitted to the RWQCB.

Staging Area is the location on a site where biosolids or septage is deposited on the ground for loading onto a vehicle for landspreading on the same or nearby sites which have been registered with the Administrative Authority and approved or exempted by the appropriate RWQCB.

Treatment is a process, approved by the Administrative Authority, which alters, modifies, or changes the biological, physical, and/or chemical characteristics of domestic septage.

USEPA is the United States Environmental Protection Agency.

40 CFR 503 is Title 40, Code of Federal Regulations, Part 503 and revisions thereof.

## ARTICLE II. CHEMICAL TOILETS

### Sec. 25-200. Chemical Toilets

A. It shall be unlawful for any person, whether as principal, servant, agent, or employee to clean, install or replace a chemical toilet or dispose of cleanings thereof without having first obtained a permit to do so from the administrative authority. In agricultural areas where chemical toilets are temporarily required for use by farm laborers and are supplied by a commercial operator, permits for a particular location are not required. However, the commercial operator shall comply with obtaining the annual permits required by Section 25-400.

#### **B. Criteria for toilet facilities shall be as follows:**

1. Toilet facilities shall provide sufficient space for comfortable use. A minimum area for approximately eight (8) square feet, with a minimum width of two and one-half (2 & ½) feet, shall be provided for each toilet seat. A minimum area of ten (10) square feet, with a minimum width of two and one-half (2 & ½) feet shall be required when a urinal is included.

Sufficient additional space shall be included if handwashing fixtures are within the facility.

2. Toilets shall be designed, constructed, and maintained so as to prevent the access of flies to the excreta.

3. Buildings housing toilet and handwashing facilities shall be rigidly constructed and shall provide privacy.

4. The interior walls of units shall be constructed of durable nonabsorbent material, smooth, readily cleanable, and finished in a light color.

5. Units shall be ventilated and provided with self-closing doors which can be fastened from the inside.

**C. Servicing of Chemical Toilet Units**

Suitable chemicals effective at all times in controlling odors and liquefying solids shall be used for the chemical toilets. It is recommended that such chemicals have the following characteristics:

1. Contain a bacteriostatic agent to prevent decomposition of the sewage;

2. Contain an effective deodorant material to mask objectionable odors;

3. Contain a suitable emulsifying agent, in addition to water, to help break down solid matter.

4. Have sufficient strength to remain effective between changing of the chemicals.

**D. Disposal of Contents of Chemical Toilets.**

The contents of chemical toilets shall be disposed of at a designated receiving station which discharges to a publicly owned sewage treatment works.

**E. Cleansing**

Each facility shall be thoroughly cleaned and washed down weekly, or as often as necessary, and at least after each emptying of the chemical toilet.

**F. Toilets**

It shall be the responsibility of the chemical toilet servicing firm to insure that toilets are serviced and maintained in a clean, sanitary condition and kept in good repair at all times.

**G. Identification of Chemical Toilets**

The business name shall be evident, on at least one (1) side of the chemical toilet, in letters of three inches (3") in height.

**ARTICLE III**

**SEPTIC TANK, CHEMICAL TOILET, AND GREASE TRAP PUMPING TRUCKS**

**Sec. 25-300. Septic tank, chemical toilet, and grease trap pumping trucks**

A. It shall be unlawful for any person or firm to carry on, solicit, or engage in the business of the cleansing of septic tanks, chemical toilets, or grease traps or to dispose of the cleaning therefrom in the County of Solano without a valid permit issued by the administrative authority for the carrying on of said business.



B. Criteria for septic tank, chemical toilet, and grease trap pumping trucks.

1. Upon each side of every vehicle, for which registration is required, there shall be printed or affixed in permanent plain legible letters and numbers at least four inches (4") high, the permanent name and address of the registrant or establishment. The certified gallonage capacity of the tanks shall appear on the tank on both sides in numerals of a minimum of four inches (4") high in height and shall be fully legible and visible at all times. Such capacity as shown shall be that approved and certified by the Sealer of Weights and Measures of the County of Solano, or other approved Sealer of Weights and Measures. There shall be at least three (3) tanks for waste, water, and disinfectant except for vehicles used exclusively for septic tank pumping which shall have at least two (2) tanks. All pumping hoses must be cleaned out into the truck tank or into the septic tank, or chemical toilet being pumped, and not on the surface of the ground. There shall be carried on each unit at all times, a sufficient quantity of chlorinated lime or other product approved by the permitting authority for disinfection of hoses and areas where accidental spillage of sewage might occur.

2. It is unlawful for any person or firm to park sewage effluent pumping trucks at the close of a working day on a public street or thoroughfare.

3. All pumping trucks shall have the sewage effluent removed from the tanks at the close of each work day. The sewage shall be disposed of at an approved location.

4. All discharge lines and valves shall have screw type caps, or other devices approved by the administrative authority.

#### ARTICLE IV - DOMESTIC SEPTAGE AND BIOSOLIDS LAND APPLICATION Section 25-400. Prohibitions

A. Disposal of sewage, septage, biosolids, or any other sewage waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution, or a nuisance is prohibited.

B. The land application or landspreading of untreated domestic septage is prohibited.

C. Land application or landspreading of biosolids which do not meet the requirements of this article, the requirements of the Regional Water Quality Control Board (RWQCB), the requirements of any other responsible agency (as determined by the Lead Agency/RWQCB) and/or the requirements set forth in 40 CFR 503 is prohibited. Land application of biosolids is restricted to Class A or Class B as previously defined.

D. Land application or landspreading of septage originating from commercial and industrial facilities, treated or untreated, is prohibited. Only treated septage from domestic sources may be applied to land.

E. Operation of a domestic septage treatment facility, conducting business in the sale, distribution, and marketing of domestic septage, or the disposal of domestic septage without first



securing all required permits, including those issued by the Regional Water Quality Control Board and the Administrative Authority, is prohibited.

F. Marketing, distribution, or disposal to land of any biosolids from any source other than a treatment facility which has met all requirements of and secured a permit and/or Waste Discharge Requirements from the appropriate Regional Water Quality Control Board and complies with all federal requirements is prohibited.

G. Landspreading of domestic septage on agricultural land or a reclamation site during a 365 day period if the annual application rate in section 25-402 D has been exceeded during that period is prohibited.

H. Land application of biosolids which exceeds the Pollutant Limits, Cumulative Pollutant Loading Rate, or the Annual Pollutant Loading Rate, as described in Section 503.13 of 40 CFR 503, is prohibited.

I. Land application of biosolids or treated domestic septage in the Primary Area of the Suisun Marsh (as defined in Solano County General Plan) is inconsistent with Solano County Policies and Regulations Governing the Suisun Marsh, the Suisun Marsh Protections Plan, and the Suisun Marsh Preservation Act of 1977, and is prohibited.

J. The on-site storage of biosolids for a period greater than 7 consecutive days prior to application, stored at one location for more than 7 days in a 60 day period and/or stored in a quantity in excess of the amount which is intended to be landspread at the registered site is prohibited unless a separate permit has been issued by the Department of Environmental Management allowing for the storage of the material.

K. (1) The application of biosolids to land that is water saturated, frozen or during periods of rainfall is prohibited.

(2) a. Adding biosolids to a staging or seven day storage area during periods of rainfall is prohibited.

b. Staging or seven day storage areas shall be maintained and operated to prevent the generation of leachate.

#### Section 25-401. Requirements For Land Application of Domestic Septage

Domestic septage applied to the land shall meet all of the following standards:

##### A. General Requirements

1. Staging areas and domestic septage application shall be at least:

a. 50 feet from property lines.  
b. 100 feet from all water wells or occupied dwellings.

c. 50 feet from public roads.  
d. 100 feet from intermittent or perennial streams, surface waterways, ponds, lakes, and marshes.

2. Domestic septage shall not be applied on slopes exceeding 10 percent.



3. The land application of treated domestic septage shall not be made where the depth to ground water is less than five (5) feet from the soil surface.

4. Domestic septage shall not be applied to land that is water saturated, frozen, during periods of rainfall, or when wind speeds exceed 20 m.p.h.

5. The land application of domestic septage shall be restricted to Agricultural Lands identified in the County General Plan.

6. Domestic septage shall not be stored at the application site for more than 24 hours.

7. All of the requirements of the appropriate Regional Water Quality Control Board and applicable sections of 40 CFR 503 shall be met.

**B. Operational Standards - Requirements for Pathogen Reduction and Vector Attraction Reduction.**

**1. Pathogen Reduction**

The pH of domestic septage applied to land shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes and the following site restrictions shall be met:

a. Food crops with harvested parts that touch the treated domestic septage/soil mixture and are totally above the land surface shall not be harvested for at least 14 months after application of domestic septage.

b. Food crops with harvested parts below the surface of the land shall not be harvested for at least 38 months after application of treated domestic septage.

c. Food crops, feed crops, and fiber crops shall not be harvested for at least 30 days after application of treated domestic septage.

d. Public access to the site shall be restricted for at least 30 days after application of domestic septage.

**2. Vector Attraction Reduction Requirements**

a. The pH of domestic septage shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes.

b. (i) Treated domestic septage shall be injected below the surface of the land and no significant amount of the septage shall be present within one hour after the septage is injected or;

(ii) Treated domestic septage applied to the land surface shall be incorporated into the soil within six hours after application to or placement on the land.

**C. Monitoring**

Each container of domestic septage applied to land shall be monitored for compliance with these requirements. Records shall be maintained and are subject to review during the normal hours of business by the Administrative Authority and shall be retained for at least five years.

#### D. Pollutant Limits

The annual application rate for treated domestic septage applied to land shall not exceed the annual application rate calculated using the following equation:

$$\text{AAR} = \frac{\text{N}}{0.0026}$$

Where:

AAR = Annual application rate in gallons per acre per 365 day period.

N = Amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation grown on the land.

#### E. Record Keeping

When treated domestic septage is applied to land, the person who applies the septage shall develop the following information and shall submit it annually to the Administrative Authority. In addition, the information shall be retained for five years for review by the Administrative Authority.

1. The location, by either street address or accessor's parcel number of each site on which treated domestic septage is applied.

2. The number of acres in each site on which treated domestic septage is applied.

3. The date and time treated domestic septage is applied to each site.

4. The nitrogen requirement for the crop or vegetation grown on each site during a 365 day period.

5. The rate, in gallons per acre per 365 day period, at which treated domestic septage is applied to each site.

6. The following certification statement:

"I certify under penalty of law, that the pathogen reduction vector attraction reduction requirements listed above have been met. This determination has been made under my direction and supervision in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information used to determine that the pathogen reduction and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

7. A description of how the pathogen reduction requirements are met.

8. A description of how the vector attraction reduction requirements are met.

#### F. Permit Requirements

A permit to apply treated domestic septage to land pursuant to this article shall be obtained from the Administrative Authority. A fee, as established by the Board of Supervisors, shall be submitted along with the following information and/or documents:

1. General Information

a. Name, address, and phone number of the applicant



b. Name, address, phone number and type of business.  
c. Identification of the local manager and responsible office personnel.

d. A statement setting forth facts demonstrating that the applicant owns or has access to suitable facilities for equipment cleaning, maintenance and storage. The location of all such facilities shall be provided in the application. Included with this statement shall be documentation indicating these facilities are properly zoned and constructed consistent with appropriate local ordinances.

e. A statement regarding the applicant's experience and capability in the collection, transportation, treatment and application of domestic septage.

f. A list of vehicles to be used for the transportation and/or application of domestic septage.

g. A description of the process used to treat the domestic septage and the method used to apply the septage to land.

h. Application Rate Design. A detailed plan of operation which shall include:

- (1) Annual application rate of domestic septage
- (2) Description of equipment to be used
- (3) Special procedures for equipment breakdown
- (4) Spill prevention and response plans
- (5) Crop selection
- (6) Site operation
- (7) Surface water protection measures
- (8) Buffer zones
- (9) Soil incorporation methods
- (10) Inclement weather plan
- (11) Slope of ground
- (12) Staging areas
- (13) Soil pH control plan
- (14) Soil testing
- (15) Treated domestic septage application rate per crop
- (16) Tail water control plans
- (17) Transportation plans including: (i) proposed delivery truck route(s) to site; (ii) proposed frequency and hours of delivery; (iii) local traffic conditions; (iv) proposed methods to or septage upon the roadways.
- (18) Nuisance avoidance measures.

I. Name of water delivery and/or drainage agency in whose jurisdiction the septage is applied.

## 2. Site Application Information

a. The location, by street address and Assessor's Parcel Number, of each application site.

b. Name, address and phone number of the lessee and/or land owner with written proof of lessee and land owner agreeing to the application of domestic septage, allowable crops, right of

entry, site restrictions and any other conditions deemed necessary by the Administrative Authority.

- c. Assessor parcel number of site location.
- d. A list of predominate soils on the site
- e. The land use designation of the site.
- f. The net acreage, depth to ground water, annual septage application rate, lifetime application rate, buffer zones for occupied dwellings, property lines, roads and wells.
- g. A detailed site plan prepared at a scale acceptable to the Administrative Authority depicting the site boundary, limits of septage application, drainage courses, homes, wells, irrigation structures and canals within 500 feet of the site.
- h. A statement by an individual certified by the American Registry of Certified Professionals in Agronomy, Crops and Soils indicating the recommended agronomic rates for application of the intended material. Such recommendation must be site and crop specific.
- i. Any other relevant information requested by the Administrative Authority.

**Sec. 25-402. Requirements For Land Application of Biosolids**

Biosolids applied to land shall meet the following requirements:

**A. General Requirements**

- 1. A description of the project shall be submitted to and Waste Discharge Requirements or other written approval or exemption shall be obtained from the appropriate Regional Water Quality Control Board. Neither Class A nor Exceptional Quality biosolids shall be exempted from any of the requirements of this chapter.
- 2. The applicator shall provide all adjacent residents notification in writing of impending biosolids land applications at least 14 calendar days prior to any and all applications. The notification shall include the name of the applicator and a phone number of a responsible contact, the name and phone number of the Administrative Authority and the tentative date of the biosolid application. The notice shall indicate that if questions or concerns are not adequately addressed by the applicator, the resident should be directed to contact the Administrative Authority. All protests from person(s) residing on property immediately adjacent to the impending application of biosolids shall be in writing, stating the reasons for the objection and shall be filed with the Administrative Authority within five (5) days of the date of the tentative biosolid application. If a protest is received by the Administrative Authority from a person(s) residing immediately adjacent to the impending application of biosolids, the Administrative Authority shall immediately notify the applicator of the protest and all impending biosolids applications at that site may be suspended pending the decision of the Administrative Authority. The decision of the Administrative Authority may be appealed to the Board of Supervisors as provided for in section 25-601.



The applicator shall provide to the Administrative Authority a list of residents' names and addresses notified and the date of notification prior to initiating the application. The Administrative Authority shall be notified of impending biosolids land applications at least 24 hours prior to initiating any and all applications and upon a change in location of the landspreading operation.

3. The applicator and the operator shall comply with any and all regulations and/or requirements of any and all other responsible agencies having jurisdiction in Solano County.

4. The applicator shall be primarily responsible for compliance with this chapter. If the applicator fails to meet the requirements of this chapter, the Administrative Authority shall immediately notify the operator. The operator shall be responsible for compliance when and if the applicator fails to meet requirements of this chapter.

**B. Requirements for Site Registration**

1. Each intended biosolids land application site shall be registered with the Administrative Authority prior to the application of biosolids.

a. New sites shall be registered prior to application of any biosolids to the site.

b. Sites under permit with the Regional Water Quality Control Board or under contract, already receiving biosolids at the time of adoption of this chapter, shall be registered prior to any subsequent application of biosolids.

2. The description of the site to be registered with the Administrative Authority shall be consistent with the description of the site submitted to or permitted by the Regional Water Quality Control Board. (i.e., owner's name, location of site, number of fields per site, site acreage, etc.)

3. Site Registration shall remain in effect for a period not to exceed five years. The Site Registration may be renewed after five years, if additional applications are intended, by payment of the Site Registration Fee prior to January 1 of the sixth year.

4. Site Registration renewal shall also occur if substantial changes occur or changes to the biosolids reuse locations (such as addition of fields) occur such that the Regional Water Quality Control Board requires submittal of a new Report of Waste Discharge and/or adoption of new Waste Discharge Requirements.

5. To register a site for land application of biosolids, the following information and/or documents shall be submitted to the Administrative Authority and additional requirements met:

a. General Information

i. Name and Mailing Address of the Applicator

ii. Name and Mailing Address of Property

Owner/Operator

iii. If the property is leased, a written proof of knowledge of and agreement by the property owner to the application, restrictions on allowable crops, right of entry,



site restrictions, and any other conditions deemed necessary by the Administrative Authority

iv. Name and Mailing Address of Person to whom billings for fee payments should be sent

v. A statement setting forth facts demonstrating that the applicator owns or has access to suitable facilities for equipment cleaning, maintenance and storage. The location of and information pertaining to all such facilities shall be provided to the Administrative Authority upon request.

vi. A statement regarding the applicator's experience and capability in the collection, transportation, treatment and land application of biosolids

b. Site Information

i. Site location including address and Assessor's Parcel Number(s), (or Assessor's Parcel Number if no address has been assigned,) size of parcel(s), and a map of the site prepared at a scale acceptable to the Administrative Authority showing drainage courses, runoff controls, surface waterways, wells, irrigation structures and canals, and residences within 500 feet

ii. A list of predominate soils on the site and location maps of soil types (ie, USDA Soil Maps), ground slope and depth to groundwater at the time of application

iii. The land use designation of the site

iv. Any results obtained from background soil sampling and analyses conducted at the application site within 12 months of submittal of information

c. Any and all reports submitted to the appropriate Regional Water Quality Control Board, including but not limited to a Report Of Waste Discharge, Application For Facility Permit/Waste Discharge, Site Specific Information Report, or Project Description. The General Information and/or Site Information may be submitted to the Administrative Authority as part of the reports submitted to the Regional Water Quality Control Board.

d. Approval of the project by the appropriate Regional Water Quality Control Board in the form of Waste Discharge Requirements, Waiver Approval, Letter of Approval, Exemption, or any other formal approval indicating project compliance with applicable Regional Water Quality Control Board standards and/or 40 CFR 503.

e. Copies of any and all reports submitted to the USEPA, in complying with 40 CFR 503.

f. Site Inspection

i. A Site Inspection may be conducted by the Administrative Authority .

ii. Other appropriate responsible agencies shall be notified by the inspector if any concerns arise from this inspection.

g. A Site Registration Fee, as established by the Board of Supervisors, shall be submitted prior to registration of the site.



**C. Requirements for Landspreading Notification**

1. After Site Registration is completed, Landspreading Notification shall be submitted to the Administrative Authority each year for sites on which the applicator intends to landspread biosolids.

2. Landspreading Notification shall be provided to the Administrative Authority at least 10 working days prior to initiation of the land application.

3. Additional notification shall be submitted to the Administrative Authority when the applicator intends to move the operation from one field to another, or one site to another. This notification may be brief including the field number, location, owner, and intended date of change, and may be submitted via facsimile.

4. The following information and/or documents shall be submitted to the Administrative Authority as a pre-application report and additional requirements met.

- a. Property Owner/Operator
- b. Applicator
- c. Biosolids source and hauler along with address, phone number, and contact person, level of pathogen treatment, description of treatment, and vector attraction reduction description.
- d. Site location and field name or number.
- e. Storage and staging areas.
- f. Application Rate and Annual Pollutant Loading Rate information including quantity of material, application area size, ammonia concentration, organic nitrogen concentration, proposed nitrogen loading, residual nitrogen loading from previous applications, proposed crop/land use, crop nitrogen usage, and date of application.
- g. Pollutant Loading Rate and concentration of each pollutant listed in Table 3 of Section 503.13, 40 CFR 503.
- h. Site controls including, but not limited to, crops to be planted and intended land use during the next 3 years, public access control procedures, storage procedures if material is stored near the fields before land application, existence of potential for any tailwater or stormwater runoff within 30 days and control measures to be taken, nuisance avoidance measures and statement of compliance with all setback and buffer zone requirements and site restrictions.
- i. Transportation plans including:
  - (1) name and address of hauler;
  - (2) proposed delivery truck route(s) to site;
  - (3) proposed frequency and hours of delivery;
  - (4) local traffic conditions;
  - (5) proposed methods to prevent tracking of mud, biosolids, or septage upon the roadways.

5. Copy of the approval of the Pre-application Report by the Regional Water Quality Control Board.

6. Certificate of Pollution Liability Insurance indicating insurance in an amount no less than \$1,000,000 (1 million dollars).



7. Copy of the Indemnification Agreement between the applicator and the operator.

8. A Landspreading Inspection shall be conducted by the Administrative Authority at any one of the fields listed in the Pre-application Report and shall include sampling. Additional Landspreading Inspections may be conducted at the discretion of the Administrative Authority.

9. Samples of the material being landspread shall be collected during each inspection.

a. Samples collected shall be kept separate for each site and source.

b. Samples may be composited from several locations on the same site.

c. The number of samples taken and analyzed shall be determined by the Administrative Authority at the time of landspreading notification. This determination shall take into consideration the source of the material, the variability of the pollutants within the material, the frequency of sampling and analysis conducted by the generator of the material and the quantity of the material being landspread. The intent of the sampling program is to verify that the biosolid material which is being applied to land is consistent with the reports which have been submitted to the Administrative Authority. In no case shall the frequency of analysis be less than once each year for each source of biosolid material which is applied to land within the county.

d. Additional analysis may be conducted if, in the opinion of the Administrative Authority, conditions exist during the applications which may promulgate public concern or where there is potential for a public health hazard.

e. The Administrative Authority shall at no time be limited as to sampling location or number of samples obtained.

f. Collection of samples shall not be limited to biosolids but may also include soil and/or water samples.

g. Analysis of samples collected by the Administrative Authority shall not be limited as to the constituents analyzed for and may include analysis for heavy metals concentrations (consistent with the limits set forth in 40 CFR 503), pathogens (consistent with 40 CFR 503), and other constituents which may be of concern in protection of the public health and/or the environment.

10. A Landspreading Notification Fee, as established by the Board of Supervisors, shall be submitted to the Administrative Authority at the time of submittal of the information required for the Landspreading Notification.

#### **D. Requirements for Reporting**

In addition to submittal of the general information required for the Site Registration and the Landspreading Notification, the following reporting requirements shall be met:



1. Within 60 days after each land application of biosolids, a Post-application Report shall be submitted to the Administrative Authority with the following information:

- a) Site number and/or location including a map clearly showing each field
- b) Date and time of the application
- c) Total volume of material applied
- d) Any variations from the information provided in the pre-application report

2. Any other reports required by a) the Regional Water Quality Control Board, as part of the Waste Discharge Requirements or otherwise, b) the USEPA, or c) any other regulatory agency, shall be submitted to the Administrative Authority.

3. The applicator shall retain copies of all registrations and notifications for a minimum of five years after Site Registration expiration and copies of all reports for a minimum of five years after issuance of the report.

4. The applicator shall provide, upon request from the Administrative Authority, copies of results of any laboratory analysis conducted for use by the applicator on material applied in Solano County.

Section 25-403. Requirement for Bonds. The applicator shall furnish a corporate surety bond as security for performance under the site registration or permit. The amount of the bond shall be no less than \$50,000. The County of Solano shall be named as the obligee. The purpose of the bond is to cover costs should nuisance abatement by the Administrative Authority be necessary and the applicator or operator not take responsibility for the abatement.

Section 25-404. Right of Entry. As a requirement of the issuance of a permit, Site Registration, or Landspreading Notification under this article, the applicator, farm operator, land owner and/or lessee shall agree to allow the representatives of the Administrative Authority or other regulatory agencies at reasonable times and upon presentation of credentials to:

1. Enter upon the applicator's premises or location where any records are required to be kept under the terms and conditions of this chapter;
2. Have access to and copy any records required to be kept under the terms and conditions of this chapter;
3. Inspect any monitoring equipment or observe any monitoring method;
4. Inspect any collection, transport vehicles, treatment, pollution management, or control facilities required by this chapter;
5. Enter any site, during reasonable hours, where biosolids or septage is proposed to be used or has been applied or stored and sample any ground or surface waters, soils, vegetation, biosolids, septage, or other materials on the site; and,
6. Obtain any photographic documentation or evidence.

## ARTICLE V PERMIT FEES

### Sec. 25-500. Generally

A. The fee for each permit issued and the fees for Site Registration and Landspreading Notification, pursuant to the provisions of this chapter, shall be determined in the amount and payable at the time and method set by the board of supervisors, pursuant to chapter 11, Section 11 - 110 of this Code.

B. All reasonable costs of laboratory analysis of biosolids, septage, soil, water and/or vegetation samples collected by the Administrative Authority shall be paid by the applicator.

## Article VI Abatement

### Sec. 25-600. Enforcement of Chapter

A. The Department of Environmental Management shall be empowered to ensure the enforcement of the provisions of this chapter.

B. Any violation of this chapter, or any state or federal regulations, shall be cause for revocation of a permit or site registration by the Director of Environmental Management and notification to the appropriate Regional Water Quality Control Board and the USEPA for enforcement action.

C. Any violation of this chapter is deemed by the Administrative Authority to be a public nuisance, and may be abated, or enjoined by the Administrative Authority, irrespective of any remedy herein provided.

### Sec. 25-601. Appeals

Any decisions by the Director of Environmental Management to revoke a permit or biosolids site registration may be appealed to the Board of Supervisors by filing a written Notice of Appeal with the Clerk of the Board, on a form as may be prescribed by the County, within 10 days of the Director's decision. Activities authorized by the permit or registration shall be suspended while the appeal is pending.

### Sec. 25-602. Penalty for Violation of Chapter

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars for the first offense. A continuing or subsequent offense upon conviction shall be punishable by a fine of not more than five hundred dollars or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Such persons shall be deemed to be guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued, or permitted by such person.



SECTION II.

Pursuant to provisions of Government Code Section 25124(b) (1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk to the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the Office of the Clerk to the Board of Supervisors, at least FIFTEEN (15) DAY after adoption of the ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

Arthur E. Houch  
Chairman of the Board of  
Supervisors

ATTEST:

Maggie Jimenez, Deputy,  
Clerk to the Board of Supervisors

I, Maggie Jimenez, Deputy Clerk to the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held the 7th day of January, 1997.

On the motion of Supervisor Thomson and the  
Second of Supervisor Carroll, this Ordinance was  
adopted at a regular meeting of said Board on January 7,  
1997, by the following vote:

AYES: SUPERVISORS Carroll, Silva, Thomson,  
and Chairman Gojkovich

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS Kondylis

WITNESS my hand and the Seal of said Board this 7th day of  
January, 1997.

Michael Johnson, Acting Clerk to the  
Board of Supervisors

By Maggi J. [Signature], Deputy